

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/979, 810	11/25/97	ONO	T ASA-689

LM71/1220

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 EXAMINER

MORGAN, G

 ART UNIT PAPER NUMBER

2761

DATE MAILED: 12/20/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Advisory Action</b>	Application No. <b>08/979,810</b>	Applicant(s) <b>Ono et al.</b>
	Examiner <b>George Morgan</b>	Group Art Unit <b>2761</b>



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a)  expires 3 months from the mailing date of the final rejection.
- b)  expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

**Applicant's response to the final rejection, filed on Dec 3, 1999 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:**

- The proposed amendment(s):

- will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- will not be entered because:
  - they raise new issues that would require further consideration and/or search. (See note below).
  - they raise the issue of new matter. (See note below).
  - they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Applicant's response has overcome the following rejection(s):

\_\_\_\_\_

\_\_\_\_\_

- Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

\_\_\_\_\_

- The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: \_\_\_\_\_

Claims objected to: \_\_\_\_\_

Claims rejected: 1-14, 17-22, 25, and 26

- The proposed drawing correction filed on \_\_\_\_\_  has  has not been approved by the Examiner.

- Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

- Other

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Applicant's arguments have been fully considered but are not deemed to be persuasive, and the request for allowance is respectfully denied. Applicant is directed to the prior Office action for a more detailed explanation of the reasons for this final rejection.

One point that is worth re-emphasizing is that Camaisa et al. do disclose "a present status of processing for processing initiated for the order, a present status of processing for delivery of a product corresponding to the order and a present status of processing for payment for the trading". Camaisa et al. describe a method for remotely ordering food over the Internet. See Camaisa et al..col. 16, line 40 to col. 17, line 33 (Section VII). It is noted therein that the user is provided with a main menu screen in which one of the options is "Check Order Status". When the customer selects the Check Order Status function from the main menu, "...the system can access an existing order by number or other means of identification and display the status of any/all items in the selected order (Emphasis added)". In the context of remotely ordering food, which type of order status information might be desired? Well, the person ordering the food most likely would want the "present status" of processing, delivery, and payment. In other words, the customer would want to know whether the food has been prepared, when it will be delivered, and how much it will cost. Thus, it is clear that Camaisa et al. do disclose a present status of processing for processing initiated for the order, a present status of processing for delivery of a product corresponding to the order and a present status of processing for payment for the trading.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Morgan whose telephone number is (703) 306-2906. The examiner can normally be reached on Monday to Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz, can be reached on (703) 305-9714. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

December 20, 1999

DM



ALLEN R. MACDONALD  
SUPERVISORY PATENT EXAMINER